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March 5, 2024

Via ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Mullen Technologies, Inc. et al. v. Gem Global Yield LLC, et al.* (No. 1:23-cv-11268-KFP);
Plaintiffs' Correspondence with the Court on March 5, 2024

Dear Judge Failla:

We represent Plaintiffs Mullen Technologies, Inc. (“MTI”) and Mullen Automotive, Inc. (“MAI”) (together, “Plaintiffs” or “Mullen”) in the above-referenced action, and write in furtherance of the telephone conversation between the undersigned and Chambers earlier today. As discussed during the call, Plaintiffs sought clarification on the Court Order filed earlier today, which stayed all briefing pending a conference with the Court on March 21, 2024. *See* ECF No. 38 (the “Order”).

Specifically, Plaintiffs requested clarification on whether the Order impacts Plaintiffs’ ability to make an application for a temporary restraining order to stay enforcement of the Decision and Order, dated January 24, 2024, in the International Centre For Dispute Resolution, Case No. 01-21-0016-7001 between Mullen and GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (the “Interim Award”). The undersigned advised the Court that Plaintiff intended to confer with opposing counsel today, pursuant to Rule 6.A. of the Court’s Individual Rules of Practice in Civil Cases, and file their application tomorrow on March 6, 2024.

Rather than file an application for a temporary restraining order at this juncture, the Court advised Plaintiffs to file a letter on the docket to clarify that enforcement of the Interim Award is indeed stayed until the conference is held on March 21, 2024. *See* ECF No. 38. Plaintiffs therefore respectfully submit this letter to obtain such clarification from the Court on this issue.

We thank the Court for its attention to this matter.

Dated: March 5, 2024

Respectfully submitted,

THE BASILE LAW FIRM P.C.

Judge Katherine Polk Failla
March 5, 2024

/s/ Waleed Amer

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Attorneys for Plaintiffs

The Court is in receipt of Plaintiffs' letter (Dkt. #39), and confirms that enforcement of the Interim Award is STAYED until the Court can hear from the parties at the conference scheduled on March 21, 2024. The Court reminds Plaintiffs that they should be ready, willing, and fully able to comply with the Interim Award as of March 21, 2024, pending the outcome of the conference.

The Clerk of Court is directed to docket this endorsement in both 23 Civ. 11268 and 24 Civ. 1120.

Dated: March 5, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE